

Jury Committee
Judicial Conference of Indiana

July 23, 2004
Minutes

1. Members present. The following members of the committee were present: Shelia Carlisle, Brent Dickson, Jeffrey Heffelfinger, William Hughes, Mark McIntosh, John Pera, Ken Scheibenberger, Diane Schneider, and Ernest Yelton, Chair
2. Staff present. Michelle C. Goodman and Tom Carusillo provided the committee with staff assistance.
3. Guests. The following guests were present: Kurt Snyder, JTAC; Joy Hess, JTAC, and Pete Savolainen, Purdue Graduate Student.
4. Minutes. The Committee approved the minutes from April 16, 2004.
5. Jury Pool: Judge Pera reminded the Committee of the goal of this project, which is to merge sources for jury pools and distribute a master list to the counties for use in forming jury pools. Judge Pera reported that JTAC has purchased software that is capable of merging several lists and purge duplicates from these lists and have partnered with Purdue University for assistance in outlining the process necessary to have a successful project. The project team is still working toward the goal of completing the project by the September Conference. Judge Pera reported that we currently have the lists from the BMV and DOR and have been working with test data from Hamilton County, including the voter registration list.

Judge Pera also raised an issue for Committee discussion concerning the statewide voter registration list. The Election Division charges every entity \$5,000 for the list without exception. In order to complete the project this year we either need to pay the Election Division or work with each county individually to get the list. Judge Yelton indicated he has been trying to contact the Secretary of State to discuss our need for the list, but has not been successful yet. The Committee also discussed the possibility of future legislation to address this issue since this is a project of a governmental entity for non-political purposes and whether a partnership with the Federal courts would help us solve this issue. A motion was made that the statewide voter list is purchased this year with the understanding that we continue to explore various options to resolve this in the future, including negotiations, legislation, or partnership with the Federal courts and attempt to hold enough money for next year if necessary to again purchase the list. The motion was seconded and passed unanimously.

Judge Pera also reported that we are looking into obtaining death records from the Department of Health and Kurt Snyder is currently making this request on behalf of the project team. Judge Pera also reported that the project team will be able to compare the counties current master list size with the master list size from this project and compare the master list size to the census data that is currently available.

Kurt Snyder, Joy Hess, and Pete Savolainen discussed the role of each project team member, gave an overview of the software features, and briefly introduced the Committee to some of the policy issues involved in this project concerning when true matches are located by the software. Based on the policy discussion, a recommendation was made that Judge

Pera and Judge Yelton be designated to approve policies recommended by the project team and that the final draft of the policies be emailed to the Committee for comment. The Committee unanimously approved this recommendation.

The Committee discussed the need for quality control process between the project team and the counties to be sure the project is continuing to improve the jury pool process for the counties. The Committee then discussed whether the jury pool list is open to the public. The Committee discussed Jury Rule 10 and concluded that the jury pool was not available to the public because it was personal information relating to jurors not disclosed in open court. The Committee asked that this be incorporated in to the jury pool project policies. The Committee also discussed whether the final list for this project should be all-inclusive or more accurate? The Committee decided that more accurate would be best for the counties, but there needs to be some degree of certainty established in removing duplicates. The Committee decided that if it can be show that the entry is more likely a duplicate then the duplicate should be removed from the list. The Committee also requested that counties document the number of returned mail from the current list compared to the number of returned mail from the list provided by this project. The Committee requested Michelle to draft thank you letters to the BMV and DOR for their cooperation with this project. The Committee also requested Michelle to gather the names and contact information for the jury administrator in this state so the Committee can contact them if necessary.

6. Rule Amendments: There was no information to report at this time.
7. Exit Survey: The Committee reviewed the revised draft of the exit survey. The Committee discussed the purpose of the survey and determined that the purpose was to gather information from jurors to help improve jury service.

The Committee made the following revisions to the draft exit survey:

- A) Under the deliberations section, remove the first two questions from the survey. If the Supreme Court amends the rule then these could be placed back in the survey at that time. The Committee felt this was important due to the types of issues this could raise in criminal cases in the mean time.
- B) The Committee unanimously passed a motion that changed the date of jury service on page 1 to year of jury service; that removed the gender, age, occupation, race, education level, registered voter, and driver's license or state ID from the survey; and add that a person not provide their name to the survey. The Committee felt that information already provided on the juror questionnaire should not be requested a second time and that this type of information could increase the likelihood of being able to identify particular jurors.
- C) The Committee requested that the last three questions be placed at the end of page 1 so that page 2 would only apply to those jurors who served on a trial.

The Committee also adopted a motion that provided that the use of any or all parts of this exit survey was option with the trial court.

8. Other Business: The Committee reviewed and discussed a question regarding Jury Rule 17 from Judge Carlisle. The Committee did not have a definite answer to this issue and suggested considering a proposal to amend the rule next year.

The Committee reviewed and discussed a frequently asked question concerning when voting rights are restored. The Committee approve the proposed answer for posting on the frequently asked questions section on the Committee's web page.

Michelle raised an issue with the Committee concerning a survey being administered by the National Center for State Courts relating to state and local jury practices. Michelle explained that the results of these surveys were going to be published in a national publication and that the NCSC did not have a specific sample size in mind for survey distribution. Michelle gave a brief overview of the two surveys that relate to local courts. The Committee determined that they felt that IJC should not be involved in surveys administered by outside entities.

9. Next Meeting: October 29, 2004 at 10:00 a.m. at the Judicial Center.

Respectfully Submitted,

Michelle C. Goodman